

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM

POWDER PRODUCTS MARKETING, SALES

PRACTICES AND PRODUCTS LIABILITY

LITIGATION

_____,
Plaintiffs,

v.

Johnson & Johnson, et al
Defendants

This document relates to _____

MDL No. 16-2738 (FLW) (LHG)

JUDGE FREDA L. WOLFSON

MAG. JUDGE LOIS H. GOODMAN

COMPLAINT AND JURY DEMAND

Civil Action No.: _____

DIRECT FILED ACTION

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiff's Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiffs shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s):

2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium:

4. Survival and/or Wrongful Death Claims:
Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s)
related death: _____
5. Plaintiff/Decedent was born on _____ and died on _____
6. Plaintiff is filing this case in a representative capacity as the _____
of the _____, having been duly appointed as the _____
by the _____ Court of _____.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and
economic injur(ies) that are alleged to have been caused by the use of the products
identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

_____ injury to the person represented

_____ wrongful death

_____ survivorship action

_____ economic loss

_____ loss of services

_____ loss of consortium

_____ Other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are suing the following Defendant(s) (please check all that apply)¹:

_____ Johnson & Johnson

_____ Johnson & Johnson Consumer, Inc.

_____ Imerys Talc America, Inc. (“Imerys Talc”)

_____ Personal Care Products Council (“PCPC”)

Additional Defendants:

☐ Other(s) Defendant(s) (please specify): _____

JURISDICTION & VENUE

9. Jurisdiction in this Short Form Complaint is based on:

_____ Diversity of Citizenship

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

_____ Other (The basis of any additional ground for jurisdiction must be
pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have
otherwise filed this Short Form Complaint absent the direct filing Order entered by this
Court and to where remand could be ordered by Judicial Panel for trial:
- _____

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State):

12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury,
Plaintiff/Decedent resident (City, State):

13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in
(City/State): _____
on _____ (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder
product(s) on or about the following date: _____ and continued the use of
talcum powder product(s) through about the following date: _____.

15. The Plaintiff/Decedent purchased talcum powder product(s) in the following (State(s)):

16. Plaintiff/Decedent used the following talcum powder products:

_____ Johnson & Johnson's Baby Powder

_____ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

_____ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)

_____ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)

_____ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)

_____ Count IV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)

_____ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)

_____ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)

_____ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)

_____ Count VIII: Negligence (Against Imerys Talc)

_____ Count IX: Negligence (Against the Johnson & Johnson Defendants)

_____ Count X: Negligence (Against PCPC)

_____Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

_____Count XII: Fraud (Against the Johnson & Johnson Defendants)

_____Count XIII: Fraud (Against PCPC)

_____Count XIV: Violation of State Consumer Protection Laws of the State of _____ (Against the Johnson & Johnson Defendants)

_____Count XV: Fraudulent Concealment (Against Imerys Talc)

_____Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)

_____Count XVII: Fraudulent Concealment (Against PCPC)

_____Count XVIII: Civil Conspiracy (Against All Defendants)

_____Count XIX: Loss of Consortium (Against All Defendants)

_____Count XX: Punitive Damages (Against All Defendants)

_____Count XXI: Discovery Rule and Tolling (Against All Defendants)

_____Count XXII: Wrongful Death (Against All Defendants)

_____Count XXIII: Survival Action (Against All Defendants)

_____Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

_____.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: _____

Respectfully Submitted by,

/s/C. Edward Amos, II

Scott S. Segal, Esq. (WV Bar# 4717)

Jason P. Foster, Esq. (WV Bar# 10593)

C. Edward Amos, II, Esq. (WV Bar# 12362)

The Segal Law Firm

810 Kanawha Blvd., East

Charleston, WV 25301

(304) 344-9100

(304) 344-9105 (fax)

Counsel for Plaintiff(s)